

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ANDRE T PARKER.

Petitioner,

V.

## STATE OF WASHINGTON,

### Respondent.

CASE NO. C14-5303 BHS-JRC

ORDER TO FILE AN AMENDED  
PETITION OR MOTION TO CHANGE  
THE CASE CAPTION

The District Court has referred this petition for a writ of habeas corpus to United States Magistrate Judge J. Richard Creatura. The authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner seeks relief from a state conviction, thus, the petition is filed pursuant to 28 U.S.C. § 2254.

Petitioner has named only the State of Washington as respondent. Petitioner needs to name a natural person -- not a governmental entity. The proper respondent is the person having custody of petitioner. *See 28 U.S.C. § 2242.* This person is usually the superintendent of the facility in which petitioner is incarcerated. Petitioner's failure to name the correct party deprives

1 this Court of personal jurisdiction. *See Stanley v. California Supreme Court*, 21 F.3d 359, 360  
2 (9th Cir. 1994).

3 Petitioner is ordered to file either an amended petition or a motion asking the Court to  
4 change the case caption and name a proper respondent. Petitioner's pleading must be filed on or  
5 before May, 23, 2014 or the Court will recommend dismissal of this petition for failure to  
6 prosecute and failure to comply with a Court order.

7 Dated this 14<sup>th</sup> day of April, 2014.

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10 J. Richard Creatura  
11 United States Magistrate Judge  
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